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NEW DELHI, WEDNESDAY, SEPTEMBER 17, 1947

GOVERNMENT OF INDIA
MINISTRY OF LABOUR.

NOTIFICATION

New Delhi, the 18th/14th September 1947

No. LR-2(109).—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the Industrial Tribunal appointed to adjudicate in the industrial dispute between Messrs. Turner Morrison Co. Ltd. and their workmen employed in the Lodna Collieries in the Jharia Coalfields.

AWARD OF RAI SAHIB RAGHUNANDAN PRASAD, RETIRED DISTRICT AND SESSIONS JUDGE AND ADJUDICATOR, APPOINTED BY THE CENTRAL GOVERNMENT, LABOUR DEPARTMENT, *VIDE* ORDER No. LR-2(109), DATED NEW DELHI, THE 28th JUNE 1947 AS ALSO BY THE GOVERNMENT OF BIHAR, LABOUR DEPARTMENT, *VIDE* ORDER No. 72 XL(S)-186/47-L.T., DATED THE 17th JULY 1947.

(1) Messrs Turner Morrison Co. Ltd. *versus* Lodna Workers' Union.

(2) Lodna Bye Product Coke Plant *versus* Lodna Workers' Union.

(3) Shalimar Tar Products (1935) Ltd., Lodna *versus* Lodna Workers' Union.

For the management—Mr. K. B. Bose, Bar-at-Law, instructed by Mr. S. C. Ghosh of Messrs Orr Dignam & Co., Solicitors.

For the Union.—(1) Mr. Reyasut Karim, President.

(2) Mr. B. P. Singh, General Secretary, Bihar Khan Mazdoor Federation.

(3) Mr. Basawan Singh, President, Bihar Khan Mazdoor Federation.

(4) Mr. Balkhi, Advocate.

There was an industrial dispute between Messrs. Turner Morrison Co. Ltd. and their workmen, employed in the Lodna Collieries in the Jharia coalfields, so that the Central Government considered it desirable to appoint an Industrial Tribunal for adjudication in the dispute.

In exercise of the powers conferred by section 7, read with clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government has been pleased to constitute an Industrial Tribunal appointing me as the sole member thereof and the following matters to me *vide* No. LR-2(109) 28th June 1947 for adjudication—

compensation should be paid to the workmen for the salary unemployment due to the breakdown of engine in pit No. 8 in April 1947 and

and

whether the reinstatement of Mr. Zaidi, an Assistant Manager, whether he should be reinstated;

whether the reinstatement of the Union was justified in withdrawing if not, whether recognition

An industrial dispute existed between the management of (1) The Lodna Bye Product Coke Plant and (2) Shalimar Tar Products (1935) Ltd. at Lodna, Jharia, in the district of Manbhum and their employees. The Government of Bihar considered it desirable to appoint an Industrial Tribunal for adjudication in the disputes. In exercise of the powers conferred by section 7, read with clause (c) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (XIV of 1947), the Government of Bihar has been pleased to constitute an Industrial Tribunal appointing me as a sole member thereof, and referring the above points for determination.

The Lodna Bye Product Coke Plant and Shalimar Tar Products (1935) Ltd. at Lodna are part and parcel of the Lodna Collieries, and are working under Mr. Bowen, the Manager and Mr. Brown, the agent of the Lodna Collieries.

The employees of the said two factories are represented by the Lodna Workers' Union.

The parties and the points for determination, being, thus, the same, I thought it proper to consolidate all these three proceedings and hold analogous enquiry in all of them. To this, the parties agreed. Accordingly, there will be one award.

Notice was issued on all the parties concerned. And them, with the exception of Lodna Collieries Workers' Union, did not appear. The Lodna Workers' Union contended that the Lodna Collieries Workers' Union not a necessary party for it was never in the picture. Whatever the case might be, it has not appeared and adjudication in the reference made by the Central Government is, therefore, to be deemed *ex-parte* against it.

Messrs Turner Morrison Co. Ltd. and the Lodna Workers' Union filed written statements. On the last date, fixed for hearing, they entered into compromise and filed a petition dated today incorporating the terms of compromise, signed by Mr. Brown, the Agent of the Lodna Collieries and by Mr. Reyasut Karim, the President of the Lodna Workers' Union. These terms may be stated as follows:—

(1) It was agreed that the workmen would be paid a total sum of Rs. 5-7-0 per man for the period of enforced idleness minus the amount already paid as cash attendance for that period.

(2) It was agreed that Mr. Zaidi would be reinstated with continuity of service and offered the post of Labour Welfare Officer of the Company on the same remuneration which he was receiving in his previous appointment, and on the terms settled between Mr. Brown and Mr. Zaidi in personal discussion.

(3) The Company has already agreed to restore recognition in its letter dated 15th July 1947, addressed to the Secretary, Lodna Workers' Union. As far as the Union's objection to the Company asking for a guarantee that safety men will, in no circumstances be called out on strike is concerned, the parties will accept any amendment

me by the Central Government in respect of the existing rules in this behalf, which are prescribed in the award of the Board of Conciliation

(4) The Union represented that some sympathetic relief should be allowed to the workers who were on strike, as a gesture of good will on the part of the Company

It was agreed that if the question is raised by the Central Government, this matter would be open to further discussion.

~~As far as the fourth point is concerned, it is not covered by any one of the matters for adjudication. It may, therefore, be left as it is since the parties have agreed to~~

abide by it. The other three terms, as hereinbefore mentioned, are accepted and hereby given effect to

The disputes are accordingly disposed of in terms of the aforesaid compromise.

RAGHUNANDAN PRASAD,
Retired District Judge and
Adjudicator,
Lodna Colliery Dispute

The 8th/10th August 1947

Certified that this award was dictated by me and that it has been correctly transcribed

RAGHUNANDAN PRASAD,
Retired District Judge and
Adjudicator,
Lodna Colliery Dispute.

The 8th/10th August 1947.

H KHANNA, Dy Secy.